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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/936,182	09/24/1997	NOZOMU KITAGISHI	1232-4046US1	9479

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EXAMINER

SHAHER, RICKY D

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

08/936 182

Applicant(s)

KITAGISHI

Examiner

R.D. SHAFER

Group Art Unit

2872

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 months MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

☒ Responsive to communication(s) filed on 11/25/02

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

☒ Claim(s) 36, 38-43, 45-50, 52-71, 73-78, 80-85 AND 87-105 is/are pending in the application.

Of the above claim(s) 92-105 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 36, 38-43, 45-50, 52-71, 73-78, 80-85 AND 87-91 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The drawing(s) filed on 9/24/97 is/are objected to by the Examiner

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☒ All ☐ Some\* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☒ Certified copies of the priority documents have been received in Application No. 07/865,076

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other \_\_\_\_\_

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1. A request for continued examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/25/02 has been entered.

2. Claims 36, 38-43, 45-50, 52-71, 73-78, 80-85 and 87-91 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 36, 43 and 71, lines 9-10, the use of the language "by reflection by...surface" is vague, indefinite and/or confusing due to the fact that applicant fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner suggests that the above mentioned language to changed to read --and reflected by said reflection surface--.

In claims 39, 41, 46, 53, 55, 74, 76, 81, 83, 88 and 90, line 3, claims 60, 62 and 73, line 4, the use of the language "a polarized light" lacks proper nexus with respect to it's respective base claim. The examiner suggests changing the above mention language to read --polarized light--.

In claim 50, line 2, claim 57, line 3, and claim 64, line 4, the use of the language "on over all" is nonsensical. The examiner suggests changing the above language to read --on all--.

In claims 53, 55, 74, 76, 81, 83, 88 and 90, lines 3-4, claims 60 and 62, lines 4-5, the use of the language "said polarizing device or said polarization changing unit" is vague, indefinite

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and/or confusing due to the fact that applicant fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant can not selectively select a certain portion of a base claim and exclude all other portions of said base claim. The examiner suggests deleting the language "said polarizing device or".

In claim 57, line 1, claims 60 and 62, line 2, the use of the language "a polarizing device" is vague, indefinite and/or confusing due to the fact that applicant fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant can not selectively select a certain portion of a base claim and exclude all other portions of said base claim. The examiner suggests changing the above language to read --polarization changing unit--.

Claim 58, fails to further the subject matter of claim 57 due to the fact that claim 57 depends from claim 36 which includes a lens array.

Claim 62 is identical to claim 60 due to the fact that both claims depend from 57 in the alternative.

Claim 63 is identical to claim 61 due to the fact that both claims depend from 57 in the alternative.

In claim 64 the "polarizing element", "said polarizing dividing film" and "said reflecting film" each lacks proper antecedent or nexus basis.

Claim 65, fails to further the subject matter of claim 64 due to the fact that claim 64 depends from claim 36 which includes a lens array.

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Claim 67 is vague, indefinite and/or confusing due to the fact that applicant fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In addition, “polarizing element” lacks proper nexus with respect to its respective base claim. Moreover, claim 67 fails to set forth the claim dependency in the alternative.

Claim 67, lines 4-5, the use of the language “said polarizing element or said polarization changing unit” is vague, indefinite and/or confusing due to the fact that applicant fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant can not selectively select a certain portion of a base claim and exclude all other portions of said base claim. The examiner suggests deleting the language “said polarizing element or”.

Claim 69 is vague, indefinite and/or confusing due to the fact that applicant fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In addition, “polarizing element” lacks proper nexus with respect to its respective base claim. Moreover, claim 69 fails to set forth the claim dependency in the alternative.

Claim 69, lines 4-5, the use of the language “said polarizing element or said polarization changing unit” is vague, indefinite and/or confusing due to the fact that applicant fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant can not selectively select a certain portion of a base claim and exclude all other portions of said base claim. The examiner suggests deleting the language “said polarizing element or”.

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Claim 69 is identical to claim 67 due to the fact that both claims depend from 64 assuming the claim was written in the proper alternative.

Claim 70 is identical to claim 68 due to the fact that both claims depend from 64 assuming that the claim was written in the proper alternative.

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Proper antecedent basis for the projecting system and the image generator.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the image generator must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. Claims 36, 43 and 71 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

6. Claims 38-42, 45-50, 52-70, 73-78, 80-85, and 87-91 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. Applicant should note that claims 57-70 have been rejoined based on the allowability of linking claim 36. Claims 92-105 remain withdrawn from further consideration as being drawn to a


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non-elected species. Accordingly, a complete response to this office action must include the cancellation of non-elected claims 92-105 or appropriate action (37 CFR 1.144).

8. Any inquiry concerning this communication should be directed to R.D. Shafer at telephone number (703) 308-4813.

RDS

December 14, 2002

  
RICKY D. SHAFER  
PATENT EXAMINER  
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